

The logo for ACT (Association of Commercial Television & Video on Demand Services in Europe) features the letters 'ACT' in a bold, blue, sans-serif font.

Association of Commercial Television  
& Video on Demand Services in Europe

The logo for AER (Association Européenne des Radios) features the letters 'AER' in a blue, cursive font, with three blue stars above it. Below the letters is the text 'ASSOCIATION EUROPÉENNE DES RADIOS' in a blue, sans-serif font.The logo for egta features the letters 'egta' in a bold, black, sans-serif font, with a blue dot at the end of the 'a'.The logo for EMMA (European Magazine Media Association) features the letters 'EMMA' in a bold, blue, sans-serif font, with a red dot at the end of the 'A'. To the right of the letters is the text 'EUROPEAN MAGAZINE MEDIA ASSOCIATION' in a blue, sans-serif font.The logo for ENPA (European Newspaper Publishers' Association) features the letters 'ENPA' in a bold, red, serif font, with a red dot at the end of the 'A'. To the left of the letters is a graphic of horizontal lines. Below the letters is the text 'EUROPEAN NEWSPAPER PUBLISHERS' ASSOCIATION' in a red, sans-serif font.The logo for EPC (European Publishers Council) features a blue, stylized starburst graphic. To the right of the graphic is the text 'EPC' in a bold, blue, sans-serif font, and below it is the text 'European Publishers Council' in a smaller, blue, sans-serif font.

20 November 2023

Dear Ambassadors,

**RE: EMFA - Market concentrations affecting the media environment**

Together, the signatories of this letter represent the breadth of Europe's commercial media sector. We are writing to underline one of our priorities ahead of trilogue negotiations on the European Media Freedom Act (EMFA): the full and explicit inclusion of very large online platforms and search engines in the scope of Article 21 and 22 on market concentrations affecting media pluralism.

Whilst we each have varying priorities and/or concerns regarding the EMFA, we all agree that large tech companies have had a definite and often negative impact on the media environment, its sustainability, and its plurality. To be effective, it is vital that the new rules foreseen for market concentrations consider the impact of market operations impacting the media landscape beyond media service providers. The on-going discussions around generative AI are a topical illustration of how important it is to make sure that the EMFA sets out future-proof rules that protect the European media space.

We took good note and welcome the inclusion of online platforms in the scope of this mechanism in the European Parliament's report via a new definition of "media market concentration" and recital 40. We therefore urge negotiators to ensure that this approach be reflected in the final text. **The operations of very large platforms and search engines must be fully and explicitly included in the market review mechanism foreseen in article 21 and 22 of the European Media Freedom Act when they have an impact on media pluralism.**

Anything less would only serve to further reinforce existing market and regulatory asymmetries between media players and big tech. It is crucial to ensure that potentially harmful operations of big tech - ranging from acquisitions of other social media companies, advertising-related businesses or generative AI start-ups<sup>1</sup> to opinion formation through their offerings - are properly assessed with regard to their impact on the media environment.

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<sup>1</sup> E.g. Microsoft-Xandr, Microsoft-LinkedIn, Google-DoubleClick, Google-Youtube, Google-Motorola Mobility (Android), Meta - Whatsapp, Meta -Instagram, Meta-Beluga (Facebook Messenger), Microsoft-Xandr, Microsoft-LinkedIn, Microsoft-Github, Amazon-Twitch

Finally, we wish to reiterate that article 21 will add another layer on top of national and EU competition law. The EMFA's outcome cannot be one that leaves media worse off without addressing the actual issues. If such market mechanism must be established, should be aimed at assessing the impact of concentrations in a multi-sided digital market where commercial media compete head on with tech platforms for audience, advertising and, ultimately, data. Falling short of this would be unacceptable and would prevent the EMFA from delivering on its intended purpose: ensuring a pluralistic and sustainable media environment.

**ACT - Association of Commercial Television and Video on Demand Services in Europe**

**AER - Association of European Radios**

**EGTA - Association of Television and Radio Sales Houses**

**EMMA - European Magazine Media Association**

**ENPA - European Newspaper Publishers' Association**

**EPC - European Publishers Council**